

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division

ISAW WALEED BLAKE,

Plaintiff,

v.

CIVIL ACTION NO. 7:23-cv-381

MR. HOLLOWAY, et al.,

Defendants.

**DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFF'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Come now, Defendants T. Joseph, Tikki Hicks, David A. Lee, David Bogle, Jeremy Remines, Justin Salyers, Bobby J. Dye, Dusty L. Cline, Erwin C. Browning, Cordie J. Edmonds, Cody R. McBride, Senior Special Agent Wagner, Assistant Chief J. Lawson, Roger Hylton, and H. E. Johnson, by counsel, for their Objections and Responses to Plaintiff's First Request for Production of Documents, state as follows:

2. Any and all policies, directives, or instructions to staff concerning the Use of Tear Gas or other chemical agents by (PSCC) staff.

RESPONSE: Objection. Defendants object to the production of any VDOC Operating Procedures ("OP") this is restricted from inmate access. The disclosure of the contents of such OPs could jeopardize security and safety at VDOC prison facilities because the disclosure of the information in the OP would inform inmates to security and search protocols and procedures and permit the subversion of such procedures designed to ensure security and safety. Moreover, whether or not an OP was violated has no bearing on whether or not the Defendants violated the First, Eighth, and Fourteenth Amendments to the United State Constitution. The central inquiry

in this case is into the actions of the Defendants, not their compliance or non-compliance with a VDOC OP. OP 420.1, Use of Force, is not being produced because disclosure of this OP (which is not available to the public and is not available for incarcerated inmates) concerns sensitive security practices.

Without waiving the foregoing objection and subject to the same, Defendants are producing OP 350.3, Firearms, Chemical Agents, and Less Lethal Training, BLAKE 381 0001 – BLAKE 381 0012.

3. Any and all policies, directives, or instructions to staff concerning the Use of Force/or Excessive Use of Force by (PSCC) staff.

RESPONSE: See objection and response to #2.

4. Any and all policies, directives, or instructions to staff governing sick call procedures, both in general population and in segregation.

RESPONSE: Defendants are producing OP 720.1, Access to Health Services, BLAKE 381 0013 – BLAKE 381 0022. In addition, all inmates upon their transfer into PSCC receive a medical orientation explaining sick call procedures. General population inmates, submit their sick call request into the sick call box outside of the chow hall on their way to breakfast Monday – Friday. Medical receives the requests, screens them, and schedules them for the next day to be seen by the nurse as long as there are no urgent issues noted on the request form. If urgent, medical will attempt to see them the same day. For restorative housing, they fill out the sick call request form and submit it to the AM pill nurse Monday – Friday to access sick call. The requests are screened, and they are scheduled for the next day to be seen by the nurse as long as

no urgent issues are noted on the request form. If urgent medical will attempt to see them that same day.

7. The Plaintiff's complete medical record from May 30, 2002, to the date of your response.

RESPONSE: Objection. Defendants are producing Blake's medical records from January 2021 to January 2024, BLAKE 381 0023 – BLAKE 381 0190.

10. Any and all documents, including but not limited to Use of Force, Excessive Use of Force/Deaths reports, created by any (PSCC) staff member or any other Department of Correction employee or officials concerning any Use of Force, Excessive Use of Force incident involving Plaintiff on or about 9/13/2022 or any investigation or action concerning that incident.

RESPONSE: Defendants are producing the following documents:

- Incident Report from 9/13/22 (BLAKE 381 0191 – BLAKE 381 0193)
- Internal Incident Reports from 9/13/22 (BLAKE 381 0194 – BLAKE 381 0203)
- Disciplinary Records from 9/13/22 incident (BLAKE 381 0204 – BLAKE 381 0209)
- Grievance Records regarding 9/13/22 incident (BLAKE 381 0210 – BLAKE 381 0222)
- ICA Documentation following 9/13/22 incident (BLAKE 381 0223 – BLAKE 381 0224)
- SIU Report (REDACTED) from 9/13/22 incident (BLAKE 381 0225 – BLAKE 381 0274)

In addition, you were allowed to view the video interview of you by Special Investigations Unit Agent J. Wagner pursuant to the Court's minute order entered on January 12, 2024. The signed video review acknowledgment (BLAKE 381 0275) is being produced.

Respectfully submitted,

MS. TIKI HICKS; DAVID A. LEE; DAVID BOGLE; JEREMY REMINES; JUSTIN SALYERS; BOBBY J. DYE; DUSTY L. CLINE; ERWIN C. BROWNING; CORDIE; J. EDMONDS; CODY R. MCBRIDE; SENIOR SPECIAL AGENT WAGNER; ASSISTANT CHIEF J. LAWSON; ROGER HYLTON; H.E. JOHNSON

By: s/ Andrew R. Page
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CERTIFICATE OF SERVICE

I hereby certify that on the 8th of February 2024, I provided the foregoing Defendants' Objections and Responses to Plaintiff's Request for Production of Documents (ECF Nos. 47 and 50; and in compliance with ECF No. 49), postage prepaid, to:

Isaw Blake #1106405
VDOC Centralized Mail Dist. Ctr.
3521 Woods Way
State Farm, VA 23160.

s/ Andrew R. Page
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MIME-Version:1.0 From:ecfnoticing@vawd.uscourts.gov To:vawd_ecf_nef@vawd.uscourts.gov Bcc:
Message-Id:<4368164@vawd.uscourts.gov>Subject:Activity in Case 7:23-cv-00381-RSB-PMS Blake v.
Joseph et al Order on Motion to Amend/Correct Content-Type: text/html

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U.S. District Court

Western District of Virginia

Notice of Electronic Filing

The following transaction was entered on 1/12/2024 at 12:27 PM EST and filed on 1/12/2024

Case Name: Blake v. Joseph et al
Case Number: 7:23-cv-00381-RSB-PMS
Filer:
Document Number: 51(No document attached)

Docket Text:

MINUTE ORDER granting in part and denying in part [50] Motion to Amend/Correct. The Motion is GRANTED insofar as the Requests for Production are amended as stated in the Motion and the Defendants are ORDERED to respond to Requests Nos. 2-4, 7 and 10 within 30 days of the date of entry of this Order. The court finds that the remaining requests are overly broad and do not seek information relevant to a claim or defense. Insofar as the Motion seeks production of video evidence it is GRANTED only insofar as the defendants shall arrange to allow the plaintiff to view the video recording of his interview with Special Agent Mr. Wagner. Otherwise the request for video evidence is denied as overly broad in that the plaintiff has not designated any particular times for the video evidence requested. Entered by US Magistrate Judge Pamela Meade Sargent on 1/12/24. *This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.* (Order to be mailed to Pro Se Party via US Mail)(PMS)

7:23-cv-00381-RSB-PMS Notice has been electronically mailed to:

Richard Carson Vorhis rvorhis@oag.state.va.us, ayawn@oag.state.va.us, kbuard@oag.state.va.us,
kwarren@oag.state.va.us, msteger@oag.state.va.us, thunter@oag.state.va.us
Andrew Russell Page arpage@oag.state.va.us, ayawn@oag.state.va.us, kbuard@oag.state.va.us,
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7:23-cv-00381-RSB-PMS Notice has been delivered by other means to:

Isaw Waleed Blake

MIME-Version:1.0 From:ecfnoticing@vawd.uscourts.gov To:vawd_ecf_nef@vawd.uscourts.gov Bcc:
Message-Id:<4364902@vawd.uscourts.gov>Subject:Activity in Case 7:23-cv-00381-RSB-PMS Blake v.
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U.S. District Court

Western District of Virginia

Notice of Electronic Filing

The following transaction was entered on 1/9/2024 at 10:26 AM EST and filed on 1/9/2024.

Case Name: Blake v. Joseph et al
Case Number: 7:23-cv-00381-RSB-PMS
Filer:
Document Number: 49(No document attached)

Docket Text:

MINUTE ORDER regarding Request for Production of Documents[47] filed by Isaw Waleed Blake. The plaintiff's discovery requests are **GRANTED** only insofar as the defendants shall respond to Requests for Productions Nos. 2-4, 6, 8 and 10 within 30 days of the date of entry of this Order. The court finds that the remaining requests are overly broad and do not seek information relevant to a claim or defense. Entered by US Magistrate Judge Pamela Meade Sargent on 1/9/24. *This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.* (Order to be mailed to Pro Se Party via US Mail)(PMS)

7:23-cv-00381-RSB-PMS Notice has been electronically mailed to:

Richard Carson Vorhis rvorhis@oag.state.va.us, ayawn@oag.state.va.us, kbuard@oag.state.va.us, kwarren@oag.state.va.us, msteger@oag.state.va.us, thunter@oag.state.va.us
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7:23-cv-00381-RSB-PMS Notice has been delivered by other means to:

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State Farm, VA 23160